

TITLE 312 NATURAL RESOURCES COMMISSION**Emergency Rule**
LSA Document #06-505(E)**DIGEST**

Temporarily supersedes [312 IAC 2-4-7](#) and [312 IAC 2-4-12](#) governing organized activities and tournaments on a lake or reservoir property administered by the Department of Natural Resources, Division of State Parks and Reservoirs. Effective October 30, 2006.

SECTION 1. This SECTION temporarily supersedes [312 IAC 2-4-7](#) as follows:

- (1) The department of natural resources shall conduct an organizational meeting or meetings between October 23 and November 15, 2006, to establish dates for 2007 on which fishing tournaments or other organized activities can be conducted.
- (2) In addition to the establishment of dates under subsection (a) of this SECTION [subdivision (1)], the department may establish a date for a tournament beyond the following year if a person presents satisfactory evidence that a tournament would have national significance.
- (3) A person who receives a reserved date must submit a completed license application within thirty (30) days of notification and at least sixty (60) days before the scheduled event, whichever is earlier. A failure to submit a timely completed application releases the reservation.
- (4) A person is disqualified from participating in an organizational meeting unless any outstanding fee or cost established in SECTION 2 of this document has been paid.

SECTION 2. This SECTION temporarily supersedes [312 IAC 2-4-12](#) as follows:

- (1) This SECTION governs fishing tournaments at lakes administered by the division of state parks and reservoirs.
- (2) The number of boats that may participate in a fishing tournament must not, on any date, exceed the following:

	Monroe	Salamonie	Mississinewa	Huntington	Brookville	Hardy	Patoka	Lieber	Raccoon
March	100	75	75	18	100	30	178	50	100
April	175	75	75	18	100	30	178	50	60
May	175	75	75	30	100	20	178	28	50
June	175	30	30	30	75	20	125	28	50
July	175	30	30	30	75	20	125	28	50
August	175	30	30	30	75	20	125	28	50
September	175	75	75	30	100	20	178	28	60
October	175	75	75	18	100	30	178	50	100
November	100	75	75	18	100	30	178	50	100

- (3) A boat used to administer a tournament is excluded in determining the number of participating boats.
- (4) The director may authorize a license for a fishing tournament under this SECTION where the participants are not provided advance notice of the location. The name of the lake may be omitted from the license application, but the department must be provided with the name of the lake at least ten (10) days before the tournament. A license issued under this subsection [subdivision] does not authorize a fishing tournament that conflicts with another license issued under this SECTION. Subject to [IC 5-14-3](#), the department will not publish the location of a fishing tournament issued under this subsection [subdivision].
- (5) Notwithstanding subsection (b) of this SECTION [subdivision (2)], a fishing tournament on Monroe Lake, from October 23 through the end of February, is restricted to a maximum of one hundred (100) participating boats.
- (6) At least thirty (30) days before the scheduled event, a license holder must file a certificate of insurance or an insurance binder with the department. The certificate of insurance or insurance binder must name the license holder and the department as insureds and must demonstrate the license holder has obtained an irrevocable general liability insurance policy with a limitation for each of the following of not less than:
 - (A) One hundred thousand dollars (\$100,000) for all damages to property for a single occurrence.
 - (B) One hundred thousand dollars (\$100,000) for injury or death of one (1) person in a single occurrence.

(C) Three hundred thousand dollars (\$300,000) for injury to or death of multiple persons in a single occurrence.

(7) Attached to the application for each property, the applicant must deliver a cash bond or other security approved by the department in the amount of one hundred fifty dollars (\$150). The department may cause a bond to be forfeited for any of the following reasons:

- (A) failure to pay user fee within prescribed time frame;
- (B) failure to cancel event within thirty (30) days from date the application was submitted;
- (C) restoration of the mooring judge's or spectators' area;
- (D) reimbursement to the department for cost of supervision, maintenance, and labor; or
- (E) collection by the department of any other unpaid fees or costs that are due, including expenses incurred in the collection of the unpaid fees.

(8) Within fourteen (14) days after a tournament, the license holder must provide to the department a user fee equal to the greater of:

- (A) eighty percent (80%) of the number of boats listed on the license; or
- (B) the number of boats participating in the tournament.

If the user fee under this subsection [subdivision] is greater then the amount of the bond, the organization is also responsible for the difference.

(9) The amount of the fee shall be established by the director within a range of fees for this purpose approved by the commission. The director may waive the user fee if both of the following apply:

- (A) The tournament is held for charity where all of the profits are given to that charity.
- (B) The waiver request is made in writing and submitted with the application.

(10) The director may require insurance in addition to what is set forth in subsection (f) [subdivision (6)] if the director determines a fishing tournament poses an unusual risk of liability to the department.

(11) A license holder must indemnify, defend, exculpate, and hold harmless the department and its officials, employees, and agents from liability due to loss, damage, injury, or other casualty to the person or property of anyone arising directly or indirectly from the activity.

(12) The department may deny a new license, or revoke under [IC 4-21.5-3-8](#) an existing license, if any fee or cost provided under this SECTION is delinquent. If an applicant subsequently satisfies any delinquency, the person may apply for a new license.

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